App. F IX-4

Previous References 1927-6 (Jul)

File No. 231-27

Serial Nos. 1

Later References
Jul 41-30 (90, 120 to 123)

General and Revenue Secretariat.

Serial Nos. One

Part B for January 1928

SUBJECT

Amendment of the rules regulating the Conduct of elections under City & Town Councils

1. L 3850 of 3-1-28 to the Compiler suggesting Gazette Bangalore

DNO 2857 25-9 / 19-12-27 1

App F. III—2]

General and Revenue Secretariat. File No 231 of 1927

Serial No

(1) In connection with the irregularities brought to the notice of Government regarding the preparation, publication and revision of the Voters' lists in the Tumkur Municipality, the -- First Member of Council was pleased to direct that the election rules may be revised so as

(a) to empower the official President Commissioner, Chief Officer or a person appointed by the Deputy Commissioner to prepare the voters' list

(b) to give wider publication to the voters' list and calling for objections by tom tom and - notification of hand bills in the offices of the Deputy Commissioners and Amildars and in the Mysore Gazette

2 The existing rules do not specifically state that the voters' list should necessarily be published in Kannada in all cases and that the voting should be by ballot They do not also prescribe how illiterate persons may get their votes ~~xxxx~~ recorded This opportunity has been taken to remove these defects also

3 A draft Notification is submitted for ~~xxxx~~ approval

Circular proposals have been made in the rules regarding election of Presidents & Vice-Presidents Mde cl

5042 / 19/12

JWW 19/12

TS 17/12/27 & 19/12

First Member

3) These elaborate rules are meant for only one or 3 years annual revision a simple Gazette publication may be made saying that the lists may be revised annually & the same procedure shall then be followed for five years

NOTE—Contn. sheet

App. F III—2]

General and Revenue Secretariat — File No. 2351 of 1927

Serial No.	
	Receipts for the election for Municipal Offices and Taxes are also to be
	19/12
4)	Petition of Inhabitants of the Rajpur Road
	21/12
5)	Dewan
	23/12
	Approval
	Hon'ble Member
6)	2/-
7)	Done
8)	Notification no 3850 of 3-1-28 Amends the Rules for regulating the conduct of elections in city and Town Municipalities

WAR'S OFFICE received on 21 DEC. 1927 Dept. No. 4019

5254 27/12

Note—Costs sheet

B 31/12/27

WDC21-2EB-GMR-C1500

NOTIFICATION

In exercise of the powers conferred by Section 11 (c) of the Mysore Municipal Regulation as amended from time to time, the following amendments are made by the Government in the rules for regulating elections to City and Town Municipal Councils issued under Notification No L 6455/71 165-26-2 dated 15th March 1927 -

1 The following shall be inserted under rule 1 -

" (3) "Returning Officer" means, in respect of the Municipality or Municipalities entered in the first column of the table given below, the person mentioned in the second column of the said table

Table

Municipality	Returning Officer
Bangalore City	The Municipal Commissioner
Mysore City	The President of the Council
Town Municipalities having a Chief Officer	Chief Officer of the Municipality concerned
Town Municipalities not having a Chief Officer but having an official trustee	The President of the Council
Other Town Municipalities	A person appointed by the Deputy Comm of the District

2 For rule 3 (1), the following shall be substituted -

"The Returning Officer shall, not less than four months prior to the date on which the term of office of the Municipal Councillors will expire, and on the corresponding date on each subsequent year, prepare a list of voters "

3 For rule 4, the following shall be substituted -

"4(1) A copy of the list so prepared shall be published by affixing a copy thereof

(a) in Kannada, and

(b) if the Returning Officer so directs, in English also,

at the Municipal Office and such other conspicuous places in the Municipality as the said officer may consider suitable.

(2) When the list has been so published, the Returning Officer shall, by beat of tom tom and printed hand-bills, give public notice thereof in the Municipality and of the places where the list or a copy thereof may be inspected as also of the fact that any person entitled under rule 8 to prefer an objection or claim may apply in writing to the Returning Officer for the amendment of the list

(3) A copy of the hand-bill shall also be published, both in Kannada and English, in the Mysore Gazette and copies thereof shall be affixed in the Municipal Office and in the offices of the ~~Deputy Commissioner of the district or~~ of the Amildar or the Deputy Amildar of the Taluk, ~~as the case may be~~

4 (a) At the beginning of rule 22 the following shall be inserted -

"The vote shall be given by ballot and"

(b) In sub-rule (vi) of the same rule, the word "physically" shall be omitted and the word "illiteracy" shall be added after the word "blindness"

2

MUNICIPAL AND LOCAL BOARD

No L 3850—*Ml* 231 27 1 *dated* 3*rd January* 1928

In exercise of the powers conferred by Section 11 (*c*) of the Mysore Municipal Regulation as amended from time to time the following amendments are made by the Government in the rules for regulating elections to City and Town Municipal Councils issued under Notification No L 6435—Ml 165 26 2 dated 15th March 1927 —

1 The following shall be inserted under rule 1 —

(3) Returning Officer means in respect of the Municipality or Municipalities entered in the first column of the table given below the person mentioned in the second column of the said table

TABLE

Municipality	*Returning Officer*
Bangalore City	The Municipal Commissioner
Mysore City	The President of the Municipal Council
Town Municipalities having a Chief Officer	Chief Officer of the Municipality concerned
Town Municipalities not having a Chief Officer but having an Official President	The President of the Municipal Council concerned
Every other Town Municipality	A person appointed by the Deputy Commissioner of the District

2 For rule 3 (1) the following shall be substituted —

The Returning Officer shall not less than four months prior to the date on which the term of office of the Municipal Councillors will expire and on the corresponding date in each subsequent year prepare a list of voters

3 For rule 4 the following shall be substituted —

4 (1) A copy of the list so prepared shall be published by affixing a copy thereof

(*a*) in Kannada and

(*b*) if the Returning Officer so directs in English also at the Municipal Office in the Taluk Office if any within Municipal limits and in such other conspicuous places in the Municipality as the said officer may consider suitable

(2) When the list has been so published the Returning Officer shall by beat of tom tom and printed hand bills give public notice thereof and of the places where the list or a copy thereof may be inspected as also of the fact that any person entitled under rule 8 to prefer an objection or claim may apply in writing to the Returning Officer for the amendment of the list

(3) A copy of the hand bill shall also be published both in Kannada and English in the *Mysore Gazette* and copies thereof shall be affixed in the Municipal Office and in the office of the Amildar or the Deputy Amildar of the Taluk within which the Municipality is situtated

4 (*a*) At the beginning of rule 22 the following shall be inserted —

The vote shall be given by ballot and

(*b*) In para (vi) of the same rule the word physically shall be omitted and the word illiteracy shall be added after the word blindness

By Order
R RANGA RAO
General Secretary to Government

CITY AND TOWN MUNICIPAL ELECTION RULES

No L. 6495—Ml 165 26 2 dated 15th March 1927

In exercise of the powers conferred by Section 11 (*c*) of the Mysore Municipal Regulation 1906 and in supersession of the existing rules prescribing the qualifications of voters and candidates at elections of Municipal Councillors and regulating the conduct of elections in City and Town Municipalities the following rules are made by the Government —

Definitions

1 In these rules

(1) The Deputy Commissioner means the Deputy Commissioner of the District in which the Municipality in question is situated and includes an Assistant Commissioner to whom the Deputy Commissioner may delegate as he is hereby empowered to delegate any of his powers or duties under these rules

(2) The Regulation means the Mysore Municipal Regulation 1906 as amended from time to time

Divisions and elective Councillors

2 (1) The Municipal Council may with the previous approval of Government divide the Municipality for electoral purposes into as many Divisions as may be necessary the boundaries of which shall be clearly defined and when such a division has been made shall apportion the number of elective Councillors over the said divisions in the proportion as nearly as may be of the population thereof

(2) The divisions into which the City and Town Municipalities are at present divided for electoral purposes and the number of elective Councillors at present apportioned over the several divisions therein shall be deemed to have been fixed and apportioned under sub rule (1)

(3) The Municipal Council may with the previous approval of the Government alter from time to time the number and boundaries of the Divisions and re apportion the number of elective Councillors among the Divisions

List of voters

3 (1) The Municipal Commissioner or the Chief Officer and in the absence of such an officer the President of the Municipal Council (who is in these rules called the Returning Officer) shall not less than four months prior to the date on which the term of office of the Municipal Councillors will expire and on the corresponding date in each subsequent year prepare a list of voters

(*d*) If the Municipality has been divided for electoral purposes into divisions such lists shall show the persons entitled to vote in each division separately

4 The list so prepared shall be published by affixing a copy thereof in English and in Kannada or both as the Returning Officer may direct at the Municipal Office and such other conspicuous place or places in the Municipality as the said officer may consider suitable

Additional qualifications of voters

5 In addition to the persons declared by Section 12 of the Regulation to be qualified to be entered in the list of voters the following persons whether of the male or female sex shall unless disqualified under Section 21 of the Regulation on account of age or disqualified under Section 22 be qualified to have their names entered in the list of voters *viz* —

(*a*) Pleaders holding sannads from the Chief Court of Mysore	Who for a period of not less than six month next preceding the date on which the list of voters is required by the rules to be prepared or revised have been resident in the Municipality
(*b*) Persons upon whom titles have been conferred by the Government of India or by His Highness the Maharaja of Mysore	
(*c*) Servants of Government or of any public body or of any corporation or of any company registered under the Mysore Companies Regulation whose salary is not less than Rs 50 per mensem in a City Municipality	
(*d*) Persons in receipt of a pension of not less than Rs 15 per mensem from Government or from any public body or corporation or company registered as aforesaid	
(*e*) Officiating hereditary patels and shanbhogs in a Town Municipality	
(*f*) Registered holders of lands assessed (or in the case of alienated lands would be assessed if not alienated) to land revenue at an amount not less than Rs 5 in a City Municipality and Rs 2 8 0 in a Town Municipality	
(*g*) Persons assessed in the previous year to income tax	
(*h*) Persons who on the 1st day of July next preceding the date of publication of the Municipal Election Roll occupied a house or building or part of a house or building separately occupied as a dwelling or for purpose of any trade business or profession which was assessed to a tax of Rs 5 per annum in a City Municipality and Rs 2 0 0 in a Town Municipality	

Manner of voting in particular cases

6 (1) When any qualification prescribed by clause (c) of Section 12 of the Regulation is possessed by an undivided family or a company or firm or any other association or body of individuals or the trustees, being two or more in number, of any building or land, then the manager or the senior member of such family or any one individual person duly authorised in this behalf by the members of such family, or company or firm or association or body of individuals or trustees, upon an application in writing which he shall give, within a fortnight from the date of the publication of the list of voters, to the Returning Officer shall unless he is disqualified by Section 21 of the Regulation on account of age, be qualified to have his name entered in the list of voters on behalf of such family or company or firm or association or body of individuals or trustees.

(2) If no individual person applies in accordance with sub-rule (1) to have his name entered in the list as the representative of such undivided family or any company or firm or association or body of individuals or any trustees, the Municipal Council may determine which individual person shall be entitled to represent such family or company or firm or association or body of individuals or trustees and shall enter his name in the list as the person qualified to vote on behalf thereof

(3) If any person is entitled to vote not only in his individual capacity but also as representative of such family or company or firm or association or body of individuals or trustees, his name shall be entered in the said list as if he were entitled to vote separately in each of such capacities.

(4) Except in the case mentioned in sub-rule (3), no person shall be entitled to more than one vote by reason of being qualified under two or more of the tests of qualifications prescribed by Rule 5 or Section 12 of the Regulation.

Division in which vote to be given

7 Each voter shall be entitled to vote in the division in which he resides, or, in the case of a qualification arising from being assessed to Municipal taxes, in the division in which he is assessed

Provided that

(a) No person shall be entitled to vote in more than one division

(b) Any person possessing the qualifications of a voter in connection with more than one division shall be at liberty to choose for which of such divisions he shall be entitled to vote and, failing his doing so within a week after public notice has been given calling upon all such persons to make their choice shall be entitled to vote in such division as the Municipal Council shall determine.

(c) A person shall be entitled to vote only in a division for which his name is entered in the election roll

Revision of list and appeals

8 (1) Any person whose name is not entered in the list of voters published as aforesaid and who deems that he is entitled to have his name entered therein and any person whose name is entered in the said list who thinks that his own name or that of some other person has been wrongly entered therein may apply in writing within a fortnight from the date of publication of the list to the Returning Officer for the amendment thereof

(2) The Returning Officer shall forthwith forward every such application with his report thereon for the decision of the Municipal Council

(3) The said officer may also bring to the notice of the Municipal Council within a fortnight from the date of the publication of the list any additions to or omissions from or corrections in the list which he shall discover to be necessary otherwise than on the application of any person interested therein

(4) Notice of every application under sub rule (1) and of every reference under sub rule (3) shall be given by the Municipal Council receiving the same to any person affected thereby and the Municipal Council at its next meeting shall consider and pass orders on such application or reference A copy of every order so passed upon an application shall without delay be communicated to the person by whom the application was made and a copy of every order whether upon an application or reference shall without delay be communicated to any person whose name is thereby ordered to be removed from the list of voters

(5) An appeal shall lie to the Government in the case of a City Municipality and to the Deputy Commissioner in the case of a Town Municipality from the decision of a Municipal Council but the Government or the Deputy Commissioner may decline to entertain any appeal which is not presented within ten days from the date when the decision of the Municipal Council is communicated to the appellant Every order passed by the Government or the Deputy Commissioner under this rule shall be final

Publication and custody of election roll

9 (1) The list of voters shall be amended in accordance with the decision of the Municipal Council the Deputy Commissioner o the Government as the case may be and a copy thereof signed by the Returning Officer shall be the Municipal Election Roll

(2) The Municipal Election Roll shall be published in the manner prescribed in rule 4 within a month and a half from the date of publication of the list of voters

(2) Every such Election Roll shall be entered in a book each page of which shall be signed by the officer aforesaid and sealed with the common seal of the Municipal Council The said book shall be kept in the Municipal chest or safe under lock and key and the officer whose duty it is to keep the key of the said chest or safe shall be responsible for the safe custody of the said book

Additional qualifications of candidates

10 (1) In addition to persons declared by Section 12 of the Regulation to be qualified to be candidates and subject to the provisions of Section 13 and to the disqualifications mentioned in Section 15 and sub sections (3) and (6) of Section 22 of the Regulation every person who is qualified to vote and who for a period of not less than six months next preceding the date on which the list of voters is required to be prepared or revised in the Municipality for election purposes has been resident in the Municipality shall be qualified to be a candidate

(2) Any person whose name is entered in the Election Roll as entitled to vote in one division may (if duly qualified) be a candidate for election either in th division for which his name is so entered or in any other division

Time and place for elections

11 General Municipal Elections shall be held on such dates between such hours and at such place or places as may be fixed by the Returning Officer Written notice of such election shall be given and published in English or in Kannada or both as the said officer may direct not less than fifteen days before the date fixed for the election Copies of the notice shall be affixed at the Municipal Office and at such other conspicuous place or places within the Municipality as the Municipal Council appoints for this purpose

Nomination of candidates

12 (1) No person may be a candidate for a councillorship unless he has been nominated in writing for this purpose by two persons entitled to vote in the same division in which the candidate wishes to be elected The nomination paper shall bear an endorsement signed by the nominee signifying his willingness to serve and shall be delivered to the Returning Officer at least seven days before the date fixed for the election

(2) The said officer shall where any nomination paper is prepared and delivered to him in accordance with sub rule (1) if the nominators establish to his satisfaction that they are entitled to vote at theelection and that the nominee is qualified as a candidate enter the nominee s name in a list of candidates which shall be prepared under his signature and posted at the Municipal Office and at the place at which the election is to be

held and in other conspicuous places at least five days before the date fixed for the election

(3) When elections are to be held at or about the same time in two or more divisions one and the same person may be nominated for election in all or any number of the said divisions

Conduct of Elections

13 When the number of candidates nominated does not exceed the number of vacancies the nominated candidate or candidates may be declared by the Returning Office elected without any votes being recorded For purposes of Rule 28 of these rules such candidates shall be considered to have got the highest number of votes

14 If more candidates than there are vacancies have been validly nominated votes shall be taken in accordance with the procedure prescribed in the following rule —

15 The Returning Officer shall appoint one or more Polling officers to preside at each polling station with as many assistants as he thinks necessary The said officer shall also appoint one or more identifying officers at each polling station to assist the Polling officer in identifying the voters

16 (1) On the morning of the election day the Polling Officer shall be supplied with a sealed box provided with an aperture for receipt of voting papers an Election Roll and a bound book or books of voting papers serially numbered in foil and counterfoil on voting paper for each voter in the electoral Roll

(2) The Returning Officer may give such special directions as may be necessary for the provision of ballot boxes cubicles or screen and other matters of detail

17 (1) The voting paper shall be printed in Form A hereto appended and shall contain the names of all the candidates

(2) The name of any candidate who may have withdrawn his candidature shall be scored out by the Returning Officer or by the Polling Officer under the Returning Officer's orders

18 Every candidate who on or before the date of his nomination supplies the Returning Officer at his own expense with a block depicting such symbol as he may with the said officer's approval adopt for the guidance of voter shall be entitled to have the same printed in column 3 of the voting paper

19 Specimen voting papers shall be posted outside the polling booth for the guidance of voters at least 48 hours before the election commences

20 (1) On the day of the election the Polling Officer shall admit to the ante room of the polling booth the candidates and such agents as may be selected by the candidates to assist in the identification of voters provided that there shall be present at one time in addition to the candidates not more than one agent of each candidate

(2) Besides candidates and their agents only voters attendants of voters admitted under rule 22 (vi) and such persons (if any) as may be admissible under special directions given by the Returning Officer in this behalf shall be admitted to the polling booth

21 The candidates and their agents shall not speak to or address any intending voter in the ante room but may only address to the Polling Officer objections to a voter on the following three grounds —

First —That his name is not on the list of voters of the division in respect of which the election is being held

Second —That his claim to be a particular voter shown on the list of voters is false

Third —That he has already voted

Any person breaking this rule may be expelled from the ante-room by the Polling Officer and shall not be re admitted during the election

22 The procedure for recording each voter s vote shall be as follows —

(i) Every voter may vote for as many candidates as there are councillors to be elected for the Division

(ii) There shall be no voting by proxy

(iii) As each intending voter enters the ante room his name and his number in the election roll shall be announced so that all present can hear th m

(iv) The Polling Officer shall dispose of any objections raised by candidates and their agents and when satisfied that the intending voter is entitled to vote and has not yet voted shall initial the foil of a voting paper and after taking the voter s signature or mark on the counterfoil and endorsing the paper across the junction of foil and counterfoil with a seal give the foil to the voter and admit him to the polling room

(v) The voter after making a cross in column 4 of the voting paper against the names of any candidates for whom he wishes to vote shall return the paper folded up to the Polling Officer who shall forthwith in the voter s presence place it in the sealed box and pass the voter out of the polling room

(vi) On the request of a voter who through blindness or any other cause is physically incapable of recording his vote for himself the Polling Officer shall permit an attendant to take the voter into the polling booth and record his vote for him

23 It shall be the duty of the Polling Officers and their assistants to see that votes are recorded with absolute secrecy that only such persons as may be admitted to the polling booth under these rules are admitted thereto and that persons who

have recorded their votes or against whom objections have been heard and disposed of leave immediately It shall also be their duty to see that these rules and any special directions given by the Returning Officer thereunder are strictly observed in all respects

24 On the conclusion of the poll the Polling Officer shall seal up the aperture of the sealed box and forthwith deliver the box for safe custody to the Returning Officer or some one appointed by the said officer to take charge of it till the votes are counted The Polling Officer shall seal up the book of counterfoils and unused foils and keep it sealed in his own custody till it is destroyed under rule 3

Determination of Results of Elections

25 The ballot box shall be opened and the votes counted at a special general meeting of the Municipal Council by three scrutineers appointed for this purpose at the meeting

26 Any ballot paper on which votes are given to more candidates than there are councillors to be elected shall be invalid

27 If there is an equal number of valid votes in favour of each of two or more candidates for one vacancy the selection of one such candidate shall be made by lot by the Chairman of the aforesaid meeting in such manner as the Municipal Council at such meeting shall determine

28 Whenever one and the same person gets the highest number of votes in more than one division he will be at liberty to determine for which division he should be returned and in default of his doing so within 48 hours after the declaration of the result of election Government in the case of City Municipalities and the Deputy Commissioner in the case of Town Municipalities shall declare him to have been elected for one such division In such cases the candidates who have got the next highest number of votes in the several remaining divisions will be taken to have been elected for those divisions In the event of there being no such candidate in any such division a fresh election shall be held for the same

29 The result of the election shall be declared by the Chairman of the meeting and shall be recorded in the minutes of the proceedings of the meeting

Custody and Destruction of Voting Papers

30 When the voting papers have been scrutinised they shall forthwith be replaced in the ballot boxes from which they were taken and these boxes after being locked and sealed with the Municipal seal shall be kept by the Municipal Council in safe custody

31 On the expiry of fifteen days from the date of the declaration of the result of the election or if any application

regarding the election is made to the District Judge under Section 22 of the Regulation and such application is not finally disposed of before the expiry of the said fifteen days then whenever such application has been finally disposed of the voting papers including both those in the ballot box and those in the sealed book in the Polling Officer's custody shall be destroyed in the presence of such councillor or officer as the Municipal Council appoints for this purpose

Report of results of elections

32 The names of persons declared to have been elected under Rules 13 and 29 shall be communicated with the least practicable delay to the Government Director in the case of a City Municipality and through the Deputy Commissioner in the case of a Town Municipality for being notified in the *Uva Province Gazette*

Casual Vacancies

33 On a vacancy occurring in the Municipal Council between two general elections the Returning Officer shall fix a date as soon as conveniently may be for the holding of a election to fill the vacancy The above rules shall apply with such modifications as may be necessary to such elections

FORM A

(REFERRED TO IN RULE 17)

Counterfoil

Voting paper No

Voter's number on Election Roll

Voter's signature or thumb impression

Foil

Voting paper No

Serial No	Candidate's name	Candidate's symbol	Voter's mark
1			
2			
3			
4			
8			

(1) The number of members to be elected is

(2) Place a mark thus × against the candidate for each of the candidates whom wish to vote

(3) The mark should be placed against not more than $\frac{\text{name}}{\text{names}}$